PROPOSED LANGUAGE AMENDING CHAPTER 4.4, WATER QUALITY AND CONSERVATION AND CHAPTER 4.9 D, OPEN SPACE/CONSERVATION PRINCIPLES AND POLICIES OF THE OPEN SPACE AND ENVIRONMENTAL CONSERVATION ELEMENT

Chapter 4.4, Water Quality and Conservation, and Chapter 4.9 d, Open Space/Conservation Principles And Policies

4.4 Water Quality and Conservation

For water supply, see Section 2.6: Public Utilities and Services.

~~**Non-Point Source Pollution Prevention**~~

~~Concerns about water quality have evolved from early efforts to control the most visible problems, such as discharge of raw sewage, to today's attention to toxic discharges. Water pollution is a concern because of potential health effects as well as of the effects of discharged pollutants on aquatic life. The Planning Area falls under the authority of the San Francisco Bay Regional Water Quality Control Board (RWQCB), one of the nine such boards in the state.~~

~~The U.S. Environmental Protection Agency has identified urban storm water runoff as the leading cause of water pollution. Furthermore, both federal and state agencies have identified storm water runoff from the City, among others, as a major source of pollution impacting the South Bay. As a result, the RWQCB has a National Pollutant Discharge Elimination System (NPDES) permit requiring the City of Milpitas, among others, to establish legal authorities sufficient to protect its storm drain system from certain prohibited discharges. The City is also required to implement a Storm Water Management Program to assure that storm water runoff from the City does not cause or contribute to a violation of the water quality standards of the South Bay. Storm water drainage is discussed in Section 5.2.~~

Urban Runoff (Stormwater) Pollution Prevention

Urban runoff to Bay area creeks and San Francisco Bay contains pollutants that impair aquatic life. Bay fish contain elevated concentrations of mercury, PCBs, and other pollutants harmful to human health.

The California Regional Water Quality Control Board for the San Francisco Bay Region (Water Board) is responsible for enforcing the state's Porter-Cologne Water Quality Act and the Federal Clean Water Act. The Water Board's *Water Quality Control Plan* (Basin Plan) identifies beneficial uses of San Francisco Bay and its tributaries and sets forth criteria and programs for protection of beneficial uses.
The Water Board has issued National Pollutant Discharge Elimination System (NPDES) permits to Bay Area counties, water districts and municipalities. The permits mandate comprehensive programs to reduce urban runoff pollutants to the maximum extent practicable.

Milpitas, 12 other cities and towns in northern Santa Clara County, Santa Clara County, and the Santa Clara Valley Water District are Co-permittees under a single stormwater NPDES permit. The NPDES permit was issued in 1990 and reissued, with additional requirements, in 1995 and 2001.

Milpitas' *Urban Runoff Management Plan* details the City's comprehensive urban runoff pollution prevention program. To implement the plan, the City:

- Inspects municipal storm drains to eliminate illicit discharges and prevent illegal dumping.
- Inspects private industrial and commercial facilities and enforces requirements to implement Best Management Practices (BMPs) to reduce stormwater pollutants.
- Educates the public about stormwater pollution and prevention methods, and encourages public participation in program planning.
- Inspects construction sites and enforces requirements to implement BMPs to control erosion, sedimentation, and pollutants from construction activities.
- Requires applicants for development approvals to incorporate permanent pollution prevention measures into development projects.
- Advocates and employs Integrated Pest Management, an approach to pest management that relies on information about the life cycles of pests and their interaction with the environment. Pest control methods are applied with the most economical means and with the least possible hazard to people, property, and the environment.
- In cooperation with other agencies, monitors the occurrence and effects of stormwater pollutants in receiving waters.

The City has adopted Performance Standards for its pollution prevention activities. These Performance Standards are continuously improved, with an updated Performance Standard, or new Performance Standard, adopted each year.

Milpitas' *Urban Runoff and Watercourse Protection Ordinance* (Title XI, Chapter 16 of the Milpitas Municipal Code) expresses the City's authority to prohibit non-stormwater discharges to storm drains and to require residents and businesses to implement BMPs.

The 2001 reissued permit added more stringent requirements (Provision "C.3") to control runoff and runoff pollutants from new development. Applicable projects[1] must include

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[1] Beginning October 15, 2003, the C.3 requirements are applied to projects that add or replace one acre or more of impervious surface. On or before October 20, 2005, the City will implement Group 2A which consists of an impervious area of 10,000 square feet on sites with a gas station, auto wrecking yard, loading docks and surface parking lots containing more than 10,000 square feet or more of impervious surface area, and vehicle or equipment maintenance areas, outdoor handling or storage of waste or hazardous materials, outdoor animal care, outdoor horticultural activities, and various other industrial and commercial uses where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control and site design practices. All other developments with impervious areas of 10,000 square feet or more

facilities to treat runoff before it is discharged from the site. The City is required to inspect these facilities and ensure that they are operated and maintained in perpetuity.

In addition, the reissued permit requires the City to manage increases in peak runoff flow and increased runoff volume where necessary to prevent accelerated erosion of creek beds and banks.

In September 2005, the Milpitas Planning Commission agenda included the revision of the *Stormwater C.3 Guidebook* (adopted in September of 2003) to guide staff and applicants when implementing the new requirements.

Water Conservation

Prompted by the recent drought and water shortages, the City in 1993 adopted a Water Efficient Landscapes Ordinance and in 1994 adopted the Water Conservation Ordinance. The Ordinance seeks to promote conservation and efficient use of water by restricting new and rehabilitated landscaping for public agency projects, private commercial and industrial projects, and common-area landscaping in single-family and multifamily subdivisions and planned unit developments to maximum applied water allowances. It also requires preparation of landscape documentation packages for new and rehabilitated landscapes.

Recycled Water

The City of Milpitas desires to conserve potable water supplies and encourages the use of recycled water for appropriate uses. Potable water shall not be used for irrigation if recycled water is available except as specified in the City Municipal Code.

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will be required to implement C.3 requirements in accordance with the City's NPDES Permit. On or before August 15, 2006, this threshold is reduced to 10,000 square feet of impervious surface for all sites.

Chapter 4.9

d. Water Quality and Conservation

Guiding Principles

4.d-G-1. Assure reasonable protection of beneficial uses of creeks and South San Francisco Bay, and protect environmentally sensitive areas.

4.d-G-2. Comply with regulatory requirements pertaining to water quality.

4.d-G-3. Continuously improve implementation of stormwater pollution-prevention activities.

4.d-G-4. Mitigate the effects that land development can have on water quality.

4.d-G-5. Protect and enhance the quality of water resources in the Planning area.

4.d-G-6. Promote conservation and efficiency in the use of water.

Implementing Policies

4.d-P-1. ~~Continue implementing the National pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board. This is implemented through Chapter 16 of the City's Zoning Ordinance~~ Implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Water Board's stormwater NPDES permit.

4.d-P-2. Minimize the use of pesticides that may effect water quality.

4.d-P-3. Work cooperatively with other cities, towns, and the Santa Clara Valley Water District to comply with regulations, reduce pollutants in runoff, and protect and enhance water resources in the Santa Clara Basin.

4.d-P-4. Where consistent with other policies, preserve, create, or restore riparian corridors and wetlands. Where possible, set back development from these areas sufficiently to maximize habitat values.

4.d-P-5. Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and significant trees, and maintain natural drainage patterns.

4.d-P-6. Where possible, avoid new outfalls to natural or earthen channels.

4.d-P-7. Applicable projects shall minimize directly connected impervious area by limiting the overall coverage of paving and roofs, directing runoff from

impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.

4.d-P-8. Applicable projects shall incorporate facilities (BMPs) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.

4.d-P-9. Applicable projects shall control peak flows and duration of runoff where required to prevent accelerated erosion of downstream watercourses.

4.d-P-10. Projects accommodating outdoor activities, including work areas, storage areas or other areas that are potential sources of stormwater pollutants, shall incorporate measures to control those pollutant sources to the maximum extent practicable.

4.d-P-11. Owners and operators of stormwater treatment facilities shall maintain those facilities and ensure they continue to be effective.

4.d-P-12. Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code includes requirements for control of erosion and sedimentation during grading and construction.)

Required Actions

Milpitas Urban Runoff Management Program
(Details of implementation are in Title XI, Chapter 16 of the Municipal Code and in the Milpitas Urban Runoff Management Plan.)

4.d-A-1. Inspect commercial and industrial facilities and require BMPs.

4.d-A-2. Conduct surveillance and enforcement to reduce illegal dumping to storm drains.

4.d-A-3. Implement BMPs to minimize runoff pollutants during operation and maintenance of streets, roads, storm drains, and water supply mains and facilities.

4.d-A-4. Inspect construction sites and require erosion and sedimentation control and pollution-prevention BMPs.

4.d-A-5. Publicize and promote Integrated Pest Management and use Integrated Pest Management in maintenance of City parks and other facilities.

4.d-A-6. Update the Urban Runoff Management Plan as required in accordance with the Water Quality Control Board's Stormwater NPDES Permit.

Cooperative Efforts to Protect and Enhance Water Quality

4.d-A-7. Support and participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Through SCVURPPP, support regional organizations and efforts, including the Bay Area Stormwater Management Agencies Association, to monitor and protect water quality in San Francisco Bay and its tributaries.

4.d-A-8. Coordinate with the Santa Clara Valley Water District to plan and implement multi-objective projects to reduce flood hazards, restore stream functions, and provide recreational resources along Berryessa Creek and other Milpitas creeks.

Development Requirements
(Details of implementation are in Title XI, Chapter 16 of the Municipal Code, the Milpitas Urban Runoff Management Plan, and the Milpitas Stormwater C.3 Guidebook.)

4.d-A-9. Provide guidelines to help applicants comply with stormwater requirements for new development.

4.d-A-10. Require developers of applicable projects to submit, with application for planning and zoning approval, a Stormwater Control Plan detailing the required stormwater pollution prevention and flow control measures incorporated into the project.

4.d-A-11. Require developers of applicable projects to prepare and submit, prior to final approval of construction, a Stormwater Control Operation and Maintenance Plan detailing maintenance requirements and methods for the stormwater treatment and flow control facilities incorporated into the project.

4.d-A-12. When conducting environmental reviews of proposed projects, evaluate water quality effects and identify appropriate mitigation measures.

4.d-A-13. Adopt and revise public works standards to minimize the impacts of development on water quality, provided that the new standards would also be consistent with other City policies.

4.d-A-14. Allow access to sites for City inspection of stormwater treatment and flow control facilities.